Government of
Saskatchewan

Annual Report
2004

Public and Private
Rights Board

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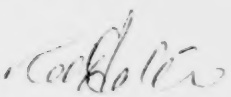
March 7, 2005

Honourable Lorne Calvert
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2004 to December 31, 2004.

Respectfully submitted,



K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

a. The route, situation or design of a public improvement;
b. The amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*
>
> (Expropriation in Canada - A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27)

Activity levels remained low in 2004, a testament to the collaborative approach taken by expropriating authorities. While the number of cases brought to the Board are small, to the individual landowners, the issues are real, are significant and are worthy of consideration. The Board is pleased with the willingness of various agencies to meet with individual landowners to share information, review plans and decisions, and seek alternatives that would address landowner concerns.

The Board would like to thank everyone who participated in collaborative problem solving processes over the past year. It is always a pleasure to work with residents of Saskatchewan. While speaking passionately about the design of specific public improvements or the compensation offered, individuals are always respectful, sincere and willing to consider the complex issues that an authority must address.

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2004

i. Number and Nature of Claims Negotiated in 2004

(A)	Carried forward from 2003:	
	i) Route, Situation or Design	0
	ii) Compensation	1
	Subtotal	1
(B)	New claims received in 2004:	
	i) Route, Situation or Design	2
	ii) Compensation	0
	Subtotal	2
	Total	**3**

ii. Number and Nature of Claims Completed in 2004

i)	Route, Situation or Design	1
ii)	Compensation	1
	Total	**2**

iii. Number and Nature of Claims Withdrawn in 2004

i)	Route, Situation or Design	0
ii)	Compensation	0
	Total	**0**

iv. Number and Nature of Claims Carried Forward into 2005

i)	Route, Situation or Design	1
ii)	Compensation	0
	Total	**1**

b. Number and Nature of Claims Received by the Board in 2004 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
Highways	1	0	1
Miscellaneous	0	0	0

c. Number and Nature of Claims Initiated with the Board in 2004 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
Highways	1	0	1
Miscellaneous	0	0	0

d. Resolution of Claims Initiated with the Board in 2004 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccesfully	Withdrawn	Total
SaskTel	0	0	0	0
SaskPower	0	0	0	0
Highways	1	0	0	1
Miscellaneous	0	1	0	1

e. Number and Nature of Claims Received by the Board (1994 – 2004)

Year	Route, Situation or Design	Compensation	Total
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4
2002	8	3	11
2003	1	2	3
2004	2	0	2

f. Number of Claims Received by the Board by Expropriating Authority (1994 – 2004)

Year	Conservation & Development Area Authorities	SaskTel	SaskPower	SaskEnergy	Sask Hwys	Misc.
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1